originally. We know it has been the most successful environmental initiative in the country's history. It allows people to take individual action to preserve the environment.

But now that global warming is upon us, the wisdom, prudence, and genius of recycling is even more apparent. When 1 million square miles of the arctic melted, the size of six Californias this summer, the need for recycling has become even more apparent.

Because recycling substantially reduces carbon dioxide emissions when it's associated with raw material extraction, with product manufacture, with emissions from landfills or burning carbon based waste, when we conserve material, we don't waste energy, and we don't put global warming gases into the atmosphere.

In fact, the Environmental Protections Agency estimates that recycling a ton of mixed recyclables saves 2.8 tons of carbon dioxide from going into the atmosphere. If we simply increased our recycle efforts from the current 30 percent level to 35 percent, we would reduce global greenhouse gas emissions by an amount equal to the average emissions from 4.6 million households. There is real savings still available to us.

We also have a growing problem with electronic material waste. We only have 1 percent of the 130 million phones currently owned by consumers recycled. We're going to do something about that. I can report in Seattle, at America Recycles Day, Dell, Microsoft and InTechra will raise awareness for recycling of electronics at Safeco Field, home of the Seattle Mariners.

Here on Capitol Hill, the Office of Greening has helped promote the House America Recycling Day. So passage of this bill will certainly support these ongoing efforts. We need to build on them.

It's time for Congress to recognize this important day. I urge my colleagues to support this bill and find something to recycle, and recycle it.

Mr. UPTON. Mr. Speaker, I yield myself 3 minutes.

Again, I want to thank Mr. INSLEE, Mr. SHAYS, Mr. WYNN, Mr. BARTON, Mr. DINGELL as well.

Recycling is an important environmental concept that predates, by decades, the first Earth Day and talk of global climate change. In fact, according to the National Recycling Coalition, before the 1920s, 70 percent of U.S. cities ran programs to recycle certain materials. And during World War II, 60 years ago, American industry reused and recycled 25 percent of the waste system. Today we're recycling and reusing about 33 percent of our Nation's waste.

Moreover, the need for serious recycling takes on an added dimension when one considers the state of America's landfill capacity. According to the EPA, since 1980 the total annual generation of municipal solid waste, otherwise known as regular household trash, has increased by more than 60 percent to its 2005 level of nearly 246 million tons every year.

And further, according to the EPA, over the last 15 years, 9 percent less, or about 9 million tons, of household garbage is going to our Nation's landfills. That means that the increased recycling efforts must step in to bridge the gap.

And while many folks may think that promoting recycling is confined just to picking up a newspaper printed on recycled papers, or buying a soft drink or beer in a recycled bottle, our domestic recycling industry is even more sophisticated and diverse than those perceptions. I've seen it firsthand in my district. In fact, domestic paper recycling helps create everything from cereal boxes, Kelloggs in Michigan, to furniture, recycled plastic soda bottles yield fibers that produce T-shirts, recycled carpet forms the basic fill for ski jackets. Recycling is not just a good environmental practice; it's also a great way to help grow our economy.

So, Mr. Speaker, this resolution is simply not just a remind of the virtue of a good stewardship. It's also a charge to every one of us that taking time to recycle does indeed make a difference for the world. And I would urge that my colleagues support this resolution encouraging every American to participate in promoting the social, environmental, and economic benefits of recycling and buying recycled-content products.

Mr. Speaker, I reserve the balance of my time.

Mr. WYNN. Mr. Speaker, I don't believe I have any further speakers, and we do have the right to close.

Mr. UPTON. I yield back the balance of my time.

Mr. WYNN. Mr. Speaker, in closing, I would only say that I think we have at force a very important, a very practical, and a very creative bill encouraging all Americans to participate in recycling. This is a wonderful bipartisan opportunity for all of us to do something good for the environment. I urge the adoption of the resolution.

Mr. WYNN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 122, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

MERCURY EXPORT BAN ACT OF 2007

Mr. WYNN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1534) to prohibit the sale, distribution, or transfer of mercury, to prohibit the export of mercury, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mercury Export Ban Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury is highly toxic to humans, ecosystems, and wildlife;

(2) as many as 10 percent of women in the United States of childbearing age have mercury in the blood at a level that could put a baby at risk;

(3) as many as 630,000 children born annually in the United States are at risk of neurological problems related to mercury;

(4) the most significant source of mercury exposure to people in the United States is ingestion of mercury-contaminated fish;

(5) the Environmental Protection Agency reports that, as of 2004—

(A) 44 States have fish advisories covering over 13,000,000 lake acres and over 750,000 river miles;

(B) in 21 States the freshwater advisories are statewide; and

(C) in 12 States the coastal advisories are statewide;

(6) the long-term solution to mercury pollution is to minimize global mercury use and releases to eventually achieve reduced contamination levels in the environment, rather than reducing fish consumption since uncontaminated fish represents a critical and healthy source of nutrition worldwide;

(7) mercury pollution is a transboundary pollutant, depositing locally, regionally, and globally, and affecting water bodies near industrial sources (including the Great Lakes) and remote areas (including the Arctic Circle);

(8) the free trade of elemental mercury on the world market, at relatively low prices and in ready supply, encourages the continued use of elemental mercury outside of the United States, often involving highly dispersive activities such as artisanal gold mining;

(9) the intentional use of mercury is declining in the United States as a consequence of process changes to manufactured products (including batteries, paints, switches, and measuring devices), but those uses remain substantial in the developing world where releases from the products are extremely likely due to the limited pollution control and waste management infrastructures in those countries;

(10) the member countries of the European Union collectively are the largest source of elemental mercury exports globally;

(11) the European Commission has proposed to the European Parliament and to the Council of the European Union a regulation to ban exports of elemental mercury from the European Union by 2011;

(12) the United States is a net exporter of elemental mercury and, according to the United States Geological Survey, exported 506 metric tons of elemental mercury more than the United States imported during the period of 2000 through 2004; and

(13) banning exports of elemental mercury from the United States will have a notable effect on the market availability of elemental mercury and switching to affordable mercury alternatives in the developing world.

SEC. 3. PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF ELEMENTAL MERCURY.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

''(f) MERCURY.—

''(1) PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF ELEMENTAL MERCURY BY FEDERAL AGENCIES.—Except as provided in paragraph (2), effective beginning on the date of enactment of this subsection, no Federal agency shall convey, sell, or distribute to any other Federal agency, any State or local government agency, or any private individual or entity any elemental mercury under the control or jurisdiction of the Federal agency.

''(2) EXCEPTION.—Paragraph (1) shall not apply to a transfer between Federal agencies of elemental mercury for the sole purpose of facilitating storage of mercury to carry out this Act.''.

SEC. 4. PROHIBITION ON EXPORT OF ELEMENTAL MERCURY.

Section 12 of the Toxic Substances Control Act (15 U.S.C. 2611) is amended—

(1) in subsection (a) by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''; and

(2) by adding at the end the following:

''(c) PROHIBITION ON EXPORT OF ELEMENTAL MERCURY.—

''(1) PROHIBITION.—Effective January 1, 2010, the export of elemental mercury from the United States is prohibited.

''(2) INAPPLICABILITY OF SUBSECTION (a).—Subsection (a) shall not apply to this subsection.

''(3) REPORT TO CONGRESS ON MERCURY COMPOUNDS.—

''(A) REPORT.—Not later than one year after the date of enactment of the Mercury Export Ban Act of 2007, the Administrator shall publish and submit to Congress a report on mercuric chloride, mercurous chloride or calomel, mercuric oxide, and other mercury compounds, if any, that may currently be used in significant quantities in products or processes. Such report shall include an analysis of—

''(i) the sources and amounts of each of the mercury compounds imported into the United States or manufactured in the United States annually;

''(ii) the purposes for which each of these compounds are used domestically, the amount of these compounds currently consumed annually for each purpose, and the estimated amounts to be consumed for each purpose in 2010 and beyond;

''(iii) the sources and amounts of each mercury compound exported from the United States annually in each of the last three years;

''(iv) the potential for these compounds to be processed into elemental mercury after export from the United States; and

''(v) other relevant information that Congress should consider in determining whether to extend the export prohibition to include one or more of these mercury compounds.

''(B) PROCEDURE.—For the purpose of preparing the report under this paragraph, the Administrator may utilize the information gathering authorities of this title, including sections 10 and 11.

''(4) ESSENTIAL USE EXEMPTION.—(A) Any person residing in the United States may petition the Administrator for an exemption from the prohibition in paragraph (1), and the Administrator may grant by rule, after notice and opportunity for comment, an exemption for a specified use at an identified foreign facility if the Administrator finds that—

''(i) nonmercury alternatives for the specified use are not available in the country where the facility is located;

''(ii) there is no other source of elemental mercury available from domestic supplies (not including new mercury mines) in the country where the elemental mercury will be used;

''(iii) the country where the elemental mercury will be used certifies its support for the exemption;

''(iv) the export will be conducted in such a manner as to ensure the elemental mercury will be used at the identified facility as described in the petition, and not otherwise diverted for other uses for any reason;

''(v) the elemental mercury will be used in a manner that will protect human health and the environment, taking into account local, regional, and global human health and environmental impacts;

''(vi) the elemental mercury will be handled and managed in a manner that will protect human health and the environment, taking into account local, regional, and global human health and environmental impacts; and

''(vii) the export of elemental mercury for the specified use is consistent with international obligations of the United States intended to reduce global mercury supply, use, and pollution.

''(B) Each exemption issued by the Administrator pursuant to this paragraph shall contain such terms and conditions as are necessary to minimize the export of elemental mercury and ensure that the conditions for granting the exemption will be fully met, and shall contain such other terms and conditions as the Administrator may prescribe. No exemption granted pursuant to this paragraph shall exceed three years in duration and no such exemption shall exceed 10 metric tons of elemental mercury.

''(C) The Administrator may by order suspend or cancel an exemption under this paragraph in the case of a violation described in subparagraph (D).

''(D) A violation of this subsection or the terms and conditions of an exemption, or the submission of false information in connection therewith, shall be considered a prohibited act under section 15, and shall be subject to penalties under section 16, injunctive relief under section 17, and citizen suits under section 20.

''(5) CONSISTENCY WITH TRADE OBLIGATIONS.—Nothing in this subsection affects, replaces, or amends prior law relating to the need for consistency with international trade obligations.

''(6) EXPORT OF COAL.—Nothing in this subsection shall be construed to prohibit the export of coal.''.

SEC. 5. LONG-TERM STORAGE.

(a) ESTABLISHMENT OF PROGRAM.—Not later than January 1, 2010, the Secretary of Energy (in this section referred to as the ''Secretary'') shall accept custody, for the purpose of long-term management and storage, of elemental mercury generated within the United States and delivered to a facility of the Department of Energy designated by the Secretary.

(b) FEES.—

(1) IN GENERAL.—After consultation with persons who are likely to deliver elemental mercury to a designated facility for long-term management and storage under the program prescribed in subsection (a), and with other interested persons, the Secretary shall assess and collect a fee at the time of delivery for providing such management and storage, based on the pro rata cost of long-term management and storage of elemental mercury delivered to the facility. The amount of such fees—

(A) shall be made publically available not later than October 1, 2009;

(B) may be adjusted annually; and

(C) shall be set in an amount sufficient to cover the costs described in paragraph (2).

(2) COSTS.—The costs referred to in paragraph (1)(C) are the costs to the Department of Energy of providing such management and storage, including facility operation and maintenance, security, monitoring, reporting, personnel, administration, inspections, training, fire suppression, closure, and other costs required for compliance with applicable law. Such costs shall not include costs associated with land acquisition or permitting of a designated facility under the Solid Waste Disposal Act or other applicable law. Building design and building construction costs shall only be included to the extent that the Secretary finds that the management and storage of elemental mercury accepted under the program under this section cannot be accomplished without construction of a new building or buildings.

(c) REPORT.—Not later than 60 days after the end of each Federal fiscal year, the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on all of the costs incurred in the previous fiscal year associated with the long-term management and storage of elemental mercury. Such report shall set forth separately the costs associated with activities taken under this section.

(d) MANAGEMENT STANDARDS FOR A FACILITY.—

(1) GUIDANCE.—Not later than October 1, 2009, the Secretary, after consultation with the Administrator of the Environmental Protection Agency and all appropriate State agencies in affected States, shall make available, including to potential users of the long-term management and storage program established under subsection (a), guidance that establishes procedures and standards for the receipt, management, and long-term storage of elemental mercury at a designated facility or facilities, including requirements to ensure appropriate use of flasks or other suitable shipping containers. Such procedures and standards shall be protective of human health and the environment and shall ensure that the elemental mercury is stored in a safe, secure, and effective manner. In addition to such procedures and standards, elemental mercury managed and stored under this section at a designated facility shall be subject to the requirements of the Solid Waste Disposal Act, including the requirements of subtitle C of that Act, except as provided in subsection (g)(2) of this section. A designated facility in existence on or before January 1, 2010, is authorized to operate under interim status pursuant to section 3005(e) of the Solid Waste Disposal Act until a final decision on a permit application is made pursuant to section 3005(c) of the Solid Waste Disposal Act. Not later than January 1, 2012, the Administrator of the Environmental Protection Agency (or an authorized State) shall issue a final decision on the permit application.

(2) TRAINING.—The Secretary shall conduct operational training and emergency training for all staff that have responsibilities related to elemental mercury management, transfer, storage, monitoring, or response.

(3) EQUIPMENT.—The Secretary shall ensure that each designated facility has all equipment necessary for routine operations, emergencies, monitoring, checking inventory, loading, and storing elemental mercury at the facility.

(4) FIRE DETECTION AND SUPPRESSION SYSTEMS.—The Secretary shall—

(A) ensure the installation of fire detection systems at each designated facility, including smoke detectors and heat detectors; and

(B) ensure the installation of a permanent fire suppression system, unless the Secretary determines that a permanent fire suppression system is not necessary to protect human health and the environment.

(e) INDEMNIFICATION OF PERSONS DELIVERING ELEMENTAL MERCURY.—

(1) IN GENERAL.—(A) Except as provided in subparagraph (B) and subject to paragraph (2), the Secretary shall hold harmless, defend, and indemnify in full any person who delivers elemental mercury to a designated facility under the program established under subsection (a) from and against any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of elemental mercury as a result of acts or omissions occurring after such mercury is delivered to a designated facility described in subsection (a).

(B) To the extent that a person described in subparagraph (A) contributed to any such release or threatened release, subparagraph (A) shall not apply.

(2) CONDITIONS.—No indemnification may be afforded under this subsection unless the person seeking indemnification—

(A) notifies the Secretary in writing within 30 days after receiving written notice of the claim for which indemnification is sought;

(B) furnishes to the Secretary copies of pertinent papers the person receives;

(C) furnishes evidence or proof of any claim, loss, or damage covered by this subsection; and

(D) provides, upon request by the Secretary, access to the records and personnel of the person for purposes of defending or settling the claim or action.

(3) AUTHORITY OF SECRETARY.—(A) In any case in which the Secretary determines that the Department of Energy may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage referred to in paragraph (1)(A), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(B) In any case described in subparagraph (A), if the person to whom the Department of Energy may be required to make indemnification payments does not allow the Secretary to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this subsection.

(f) TERMS, CONDITIONS, AND PROCEDURES.—The Secretary is authorized to establish such terms, conditions, and procedures as are necessary to carry out this section.

(g) EFFECT ON OTHER LAW.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section changes or affects any Federal, State, or local law or the obligation of any person to comply with such law.

(2) EXCEPTION.—(A) Elemental mercury that the Secretary is storing on a long-term basis shall not be subject to the storage prohibition of section 3004(j) of the Solid Waste Disposal Act (42 U.S.C. 6924(j)). For the purposes of section 3004(j) of the Solid Waste Disposal Act, a generator accumulating elemental mercury destined for a facility designated by the Secretary under subsection (a) for 90 days or less shall be deemed to be accumulating the mercury to facilitate proper treatment, recovery, or disposal.

(B) Elemental mercury that is stored at a facility with respect to which a permit has been issued under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)) shall not be subject to the storage prohibition of section 3004(j) of the Solid Waste Disposal Act (42 U.S.C. 6924(j)) if—

(i) the Secretary is unable to accept the mercury at a facility designated by the Secretary under subsection (a) for reasons beyond the control of the owner or operator of the permitted facility;

(ii) the owner or operator of the permitted facility certifies in writing to the Secretary that it will ship the mercury to the designated facility when the Secretary is able to accept the mercury; and

(iii) the owner or operator of the permitted facility certifies in writing to the Secretary that it will not sell, or otherwise place into commerce, the mercury.

This subparagraph shall not apply to mercury with respect to which the owner or operator of the permitted facility fails to comply with a certification provided under clause (ii) or (iii).

(h) STUDY.—Not later than July 1, 2011, the Secretary shall transmit to the Congress the results of a study, conducted in consultation with the Administrator of the Environmental Protection Agency, that—

(1) determines the impact of the long-term storage program under this section on mercury recycling; and

(2) includes proposals, if necessary, to mitigate any negative impact identified under paragraph (1).

SEC. 6. REPORT TO CONGRESS.

At least 3 years after the effective date of the prohibition on export of elemental mercury under section 12(c) of the Toxic Substances Control Act (15 U.S.C. 2611(c)), as added by section 4 of this Act, but not later than January 1, 2014, the Administrator of the Environmental Protection Agency shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the global supply and trade of elemental mercury, including but not limited to the amount of elemental mercury traded globally that originates from primary mining, where such primary mining is conducted, and whether additional primary mining has occurred as a consequence of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. WYNN) and the gentleman from Michigan (Mr. UPTON) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. WYNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1534, the Mercury Export Ban Act of 2007. The bill will place an export ban on elemental mercury beginning in the year 2010; prevent Federal agencies from selling, distributing or transferring elemental mercury, except for its transfer between Federal agencies to facilitate storage; and it will create a long-term storage option for private sources of elemental mercury at a facility to be designated by the Secretary of Energy. The location of the designated facility where the elemental mercury will be stored is within the sole discretion of the Secretary of Energy. The bill does not designate a facility location.

Let me begin by congratulating Mr. ALLEN of Maine, the sponsor of this bill, along with Mr. SHIMKUS, the ranking member of the Subcommittee on Environmental and Hazardous Materials, for their hard work in developing this bipartisan legislation which has attained endorsement from the environmental community, the mining industry, the chemical industry, as well as the States.

Mercury is a potent neurotoxin that is harmful even at low exposure levels. It disrupts biological processes critical for brain development in developing fetuses and young children.

Mercury emissions can be transported over long distances and remain airborne for more than a year. These emissions deposit into water bodies where they are transformed into methylmercury that accumulates in fish and subsequently in humans who eat mercury-contaminated fish. Forty-eight States, including my own State of Maryland, have issued fish advisories warning residents to limit consumption of mercury-contaminated fish.

Currently, excess elemental mercury is exported from developed countries to developing countries where it is used in artisanal and small-scale gold mining, mainly in Africa, Asia, and Latin America. This rudimentary mining process releases most of the mercury into the environment, creating thousands of polluted sites and exposing miners and nearby residents to toxic fumes that can cause neurological damage. Data from the EPA and other research groups indicate that 60 to over 70 percent of all mercury deposited in the United States comes from global sources.

The United States has an excess supply of elemental mercury that will only increase in future years as the demand for mercury-containing products continues to decline. As of 2010, there are expected to be only four chlor-alkali plants using mercury cell technology in the United States. The decommissioning of these plants would result in an estimated surplus of 1,200 to 1,500 metric tons of elemental mercury.

The Department of Defense and the Department of Energy combined are storing close to 6,000 metric tons of elemental mercury and are not selling it on the open market because of the EPA's concerns about the impacts of mercury releases on human health and the environment.

This legislation is necessary because the elemental mercury that we export overseas returns to our country in the atmosphere as toxic pollution contaminating our air, soil and water and fish, demonstrating the fact that pollution knows no borders.

I urge my colleagues to support passage of this very important and bipartisan bill.

I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

I want to thank, in particular, Mr. ALLEN, Mr. SHIMKUS, Mr. DINGELL, Mr. BARTON, obviously Mr. WYNN for helping to manage this bill this afternoon. You know, this bill culminates an agreement that took many weeks of talks between the majority and minority members and their staffs. I want to thank all of the stakeholders that were involved in those discussions. Significant improvements clearly were made as that legislation moved through our committee, Energy and Commerce, as it winds its way to the floor this afternoon.

The bill tackled the serious concern that elemental mercury pollution in other countries will eventually convert to methylmercury pollution in the United States. Methylmercury is the

most potent form of mercury poisoning, and a serious, very serious neurotoxin.

And, obviously, as Mr. WYNN indicated, this bans the export of such mercury, elemental mercury in the year 2010.

This legislation directs the Department of Energy, which has experience storing elemental mercury, to set up a domestic storage option.

□ 1430

The legislation does not preclude any private storage solutions from occurring. Private entities wishing to take advantage of the DOE-sponsored storage option must pay the Department of Energy for that privilege, but in return they are indemnified against any environmental damage that is caused once DOE takes possession of that mercury.

The bill only covers elemental mercury. It does not cover coal exports. It is not intended to cover fly ash exports, from coal combustion, or small amounts of mercury in manufactured consumer products.

The bill requires that EPA monitor the global implications of a U.S. export ban on elemental mercury. EPA is also required to report back to the Congress on any negative consequences caused by that export ban.

The legislation permits EPA to grant targeted, temporary waivers for individual shipments of elemental mercury to other countries. And I would note that groups that are supporting this bill include the American Chemistry Council; the National Mining Association; the Chlorine Institute; the Environmental Council of the States; and the NRDC, the Natural Resources Defense Council.

Again, I compliment all those Members and staff that worked so hard to make this truly a bipartisan bill. I would like to think that we can pass this with unanimous support this afternoon.

Mr. Speaker, I reserve the balance of my time

Mr. WYNN. Mr. Speaker, at this time it gives me great pleasure to yield such time as he may consume to the distinguished gentleman from Maine (Mr. ALLEN) who is the sponsor of this legislation and who has done a wonderful job in moving this bill forward and working on a bipartisan basis.

Mr. ALLEN. I thank the gentleman for yielding and thank him for his outstanding work on this piece of legislation.

Mr. Speaker, I rise in support of my legislation, H.R. 1534, the Mercury Export Ban Act. I want to thank not just Mr. WYNN but Mr. DINGELL, Mr. SHIMKUS, and Mr. BARTON, all of those who have worked so hard on this particular legislation.

It is a well-established fact that mercury is a powerful neurotoxin harmful at even low exposure levels. Mercury is harmful whether it is inhaled, ingested, or absorbed through the skin. Once exposed to water, elemental mercury is transformed to methylmercury, which is highly toxic and which has a tendency to bio-accumulate in both fish and the humans who eat the fish. Very young children with developing nervous systems are particularly at risk. In addition, pregnant mothers who are exposed to mercury pollution can transmit mercury to their unborn children, increasing the chances of miscarriage and birth defects. Mercury can also be found in high concentrations in mothers' breast milk.

My bill seeks to combat a large source of mercury pollution worldwide: namely, the export of elemental mercury from the United States to developing countries. This mercury is used largely for artesinal mining. Exposure occurs when miners handle the mercury. It enters the water when miners pan for gold, and it enters the air through the smelting process which emits mercury vapor.

According to the U.N. Environmental Programme, approximately 15 million people worldwide, including 4.5 million women and 1 million children, engage in artesinal mining with mercury, exposing them to the poisons that mercury produces. Some of this mercury is exported from the United States. That should be unacceptable to us as a Nation.

Further, the export of mercury for artesinal mining harms Americans who are exposed through the global air transport of mercury pollution or through the consumption of mercury-contaminated fish. Scientists have estimated that up to one-third of U.S. mercury air pollution has traveled to the U.S. from Asia, where mercury pollution is extensive, including from mercury exported for artesinal mining. Much of the fish that we eat, including tuna, is imported from off the coast of Asian and South American countries where the use of mercury in artesinal mining is widespread.

The Departments of Defense and Energy are the two largest holders of mercury in the United States. The EPA has urged DOE and DOD not to sell its mercury stockpiles due to the serious human health and environmental risks associated with mercury. DOD and DOE have agreed. However, that ban is not in law, which is why my bill prohibits the Federal Government from exporting mercury. In addition, private companies may still export this poisonous and hazardous material, which is why my legislation is necessary.

Together with my friend Mr. SHIMKUS at the full committee markup, I offered an amendment to create a long-term mercury storage repository. This amendment was the result of a stakeholder process over the last several months to develop a consensus product. Stakeholders included NRDC, the Environmental Council of the States, the American Chemistry Council, the Chlorine Institute, and the National Mining Association, all of whom have endorsed this amendment.

Mr. Speaker, I will place in the RECORD a letter from these groups in support of this legislation.

NOVEMBER 8, 2007.

Re: H.R. 1534.

DEAR REPRESENTATIVE: H.R. 1534, the ''Mercury Export Ban Act of 2007'', which bans the export of surplus elemental mercury into global commerce, was reported out of the House Energy & Commerce Committee on October 30, 2007, by an overwhelmingly bipartisan vote of 45–2. The undersigned organizations support this negotiated version of H.R. 1534 and urge its passage under Suspension of the Rules.

Collectively, our organizations negotiated in good faith to produce the bill as reported, which addresses our individual concerns, advances our shared objective of reducing global mercury pollution, and reflects good public policy.

Specifically, the Committee-reported version of H.R. 1534 establishes a practical and workable domestic framework for sequestering the elemental mercury prohibited from export under the legislation. To develop this framework, our organizations worked diligently and collectively to reach consensus, each of us agreeing not to raise related mercury matters which may have prevented a successful outcome. Therefore, we hope the full House of Representatives will acknowledge the compromises made and approve H.R. 1534 without further changes.

In closing, the undersigned organizations urge your ''YES'' vote on H.R. 1534 in the coming days.

Sincerely,

FRANCES G. BEINECKE,
President, Natural Resources Defense Council.

JACK N. GERARD,
President & CEO, American Chemistry Council.

KRAIG R. NAASZ,
President & CEO, National Mining Association.

R. STEVEN BROWN,
Executive Director, Environmental Council of States.

ARTHUR E. DUNGAN,
President, The Chlorine Institute Inc.

The bill requires DOE to designate a facility to accept mercury from private sector sources, particularly the chlor-alkali industry and the mining industry, when the export ban in the underlying bill takes effect on January 1, 2010. The bill does not require that all excess mercury be transferred to DOE; rather, it gives the private sector the option of placing mercury into storage at DOE. If there is a more practical or cost-effective private sector solution, the affected industries are more than welcome to pursue that option.

DOE will be allowed to charge a fee to recoup the government's cost of storing this waste. As CBO has shown, enactment of this bill will have no effect on the taxpayers. All applicable and appropriate environmental laws apply with respect to this facility.

The legislation will allow the chlor-alkali industry to place into safe storage the roughly 1,500 tons of mercury still to be used at aging plants. It will also allow the mining industry to store the approximately 50 to 100 tons of

mercury it generates annually as a by-product of air filtration systems.

The process used to develop this legislation can be a model. On a bipartisan basis, we sat down together, we worked out our differences, and brought interested and affected parties to the table to hammer out a compromise.

Again, I want to thank Chairman WYNN, Chairman DINGELL, Ranking Member BARTON, and Mr. SHIMKUS for the work they have done on this legislation. I also want to thank Dick Frandsen, Caroline Ahearn, and Ann Strickland from the majority staff, as well as Dave McCarthy and Jerry Couri from the minority staff, Jim Bradley from my staff, and Mo Zilly on Mr. SHIMKUS' staff for their hard work as well.

Mr. Speaker, this is good legislation, and I urge all Members to support its passage.

Mr. UPTON. Mr. Speaker, at this point, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding.

All I want to do is rise to raise some concerns, because I think this is a case where clearly these motives of this legislation are meritorious, worthy. But at the Commerce Committee, when this bill was reported out, some concerns were raised, and I want to reraise those concerns on the floor of the House today because I think everything that has been said is accurate, but I think the likely place that this mercury is going to come is to my district, Oak Ridge, Tennessee. Everybody within DOE and the NNSA, the National Nuclear Security Administration, expects this mercury to come to the Y–12 National Security Complex.

We are in the middle of modernization, sweeping modernization, new facilities, because we are the Fort Knox for highly enriched uranium for our country, and we basically received a mandate from the Congress to more properly secure this material. We've got a new design basis threat. We have new security challenges. This is about a $42 million price tag. I understand there are ways to pay for it, but it's going to go somewhere, and when you push on one side of the balloon, out pops the other. We just want to raise the concern because probably no place in America wants to be the place that this mercury comes to.

You've raised the concerns about mercury. We can safely store it and we do. We have got an excellent record and reputation. But we want to make sure that this is done properly. And I am not going to speak in opposition to the legislation because I think that the merits of the legislation are justified, but I am raising these concerns because we need to address this.

The administration has issued a SAP, Statement of Administration Policy, today against this bill. So we need to solve some of these problems as we go forward.

With that I applaud your efforts, the work that you've done, raise these concerns because we are probably going to end up with this stuff, and I thank you for your work. And with that, I am not going to object; I am just going to raise these concerns.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

Mr. WYNN. Mr. Speaker, I yield myself 1 minute.

I only want to indicate that we are sensitive to the concerns that have been raised, but I do want to clarify that the bill does not specify any particular location, and DOE certainly would be in a position to take into consideration any concerns with regard to where the mercury is ultimately stored.

But the point is we do need to make sure that we do not continue exporting this mercury which then comes back to our own shores.

I would conclude by saying that I would like to thank Mr. ALLEN again for his leadership and thank our committee chairman, Mr. DINGELL, as well as our ranking member, Mr. BARTON. I would like to thank Mr. UPTON for his kind words in support of this bipartisan legislation. I would like to recognize the contribution of Mr. SHIMKUS in working with us and also the role of the stakeholders in bringing together a bipartisan bill that works across the spectrum, both the environmental community and the business community, to give us a bill that I think we can all be proud of.

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from Illinois for giving me a few moments to speak on this bill.

I want to congratulate the sponsor of this bill, as well as the Chairman and Ranking Member of the Subcommittee on Environment and Hazardous Materials on coming to agreement on this legislation. Their consensus work is the culmination of 6 weeks of talks among majority and minority Members and staff as well as affected private stakeholders. Significant improvements have been made that make this legislation workable from a realistic and practical standpoint. I support these changes and urge my colleagues to do so as well.

A hearing before the Subcommittee on Environment and Hazardous Materials made clear the serious domestic health concerns that elemental mercury pollution presents when it is mishandled in other, less developed countries. Specifically, this form of mercury converts into neuro-toxic, methyl-mercury that comes back to the United States in the form of tainted fish and polluted air.

This legislation attempts to break this global transport cycle by banning the export of elemental mercury in 2010. It does not cover coal exports and is not intended to cover fly ash exports from coal combustion, or elemental mercury in manufactured consumer products.

This bill also, importantly, assures that domestic stocks of elemental mercury—which currently are a valuable commodity—have some place to safely go. Under the consensus language we are considering, the Department of Energy—which has experience storing elemental mercury—is directed to set up a domestic storage option that will open when the ban commences. Further, the legislation does not preclude private storage solutions. I am glad that this bill allows enterprising folks to facilitate good environmental policy.

In addition, I am pleased this bill recognizes that we should not punish people who do the right thing. Under the legislation we are considering today, private entities wishing to take advantage of the DOE-sponsored storage option must pay DOE for the privilege, but in return are indemnified against any environmental damage that is caused once DOE takes possession of the elemental mercury. This is common sense policy and a key feature of ensuring that the proper handling and safe long-term storage of elemental mercury occur.

Mr. Speaker, I am pleased that the Energy and Commerce Committee has produced another example of compromise, bipartisan legislation. It represents serious give and take by all parties. I hope that efforts like this will continue to be more the norm than the exception throughout this Congress.

I urge all my colleagues to support H.R. 1534.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 1534, the Mercury Export Ban of 2007. This bill is a bipartisan effort that will effectively reduce the amount of elemental mercury in the atmosphere.

Mercury is a neurotoxin that is very harmful to children, fetuses, and pregnant women. It took us many years to realize there are negative health effects associated with mercury. Once the true health effects of mercury were realized in the US its use for manufacturing and products was decreased.

The decrease in the use of mercury has left us burdened with reserves of commercial mercury that is being sold to recyclers who have no means of disposing of the mercury. The recyclers sell this mercury to brokers who distribute this mercury on the global market.

Once on the global market this mercury is used by small scale gold miners who unknowingly allow their miners to unsafely expose themselves to mercury.

Once the mercury is released into the atmosphere or water we are allowing other countries to contribute to a global mercury contamination problem.

We essentially are selling mercury to other countries in an attempt to get rid of it only to have the mercury come back to us in the form of contamination.

This bill would ban exporting elemental mercury by 2010 and the sale, distribution, or transfer of elemental mercury between state and local government, Federal agency, or private entity except for storage purposes.

It would also require the EPA issue a report to Congress one year after the ban to address the issue of mercury in the U.S. and create an Excess Mercury Storage Committee so that we can address the storage and health issues related to elemental mercury in the U.S.

This is a good bill and I strongly urge my colleagues to support it.

Mr. WYNN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the

rules and pass the bill, H.R. 1534, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to prohibit certain sales, distributions, and transfers of elemental mercury, to prohibit the export of elemental mercury, and for other purposes.''.

A motion to reconsider was laid on the table.

911 MODERNIZATION AND PUBLIC SAFETY ACT OF 2007

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3403) to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E–911 services, encouraging the nation's transition to a national IP-enabled emergency network and improve 911 and E–911 access to those with disabilities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''911 Modernization and Public Safety Act of 2007''.

TITLE I—911 SERVICES AND IP–ENABLED VOICE SERVICE PROVIDERS

SEC. 101. DUTY TO PROVIDE 911 AND E–911 SERVICE.

The Wireless Communications and Public Safety Act of 1999 is amended—

(1) by redesignating section 6 (47 U.S.C. 615b) as section 7;

(2) by inserting after section 5 the following new section:

''SEC. 6. DUTY TO PROVIDE 911 AND E–911 SERVICE.

''(a) DUTIES.—It shall be the duty of each IP-enabled voice service provider to provide 911 service and E–911 service to its subscribers in accordance with the requirements of the Federal Communications Commission (in this section referred to as the 'Commission'), as in effect on the date of enactment of the 911 Modernization and Public Safety Act of 2007 and as such requirements may be modified by the Commission from time to time.

''(b) PARITY FOR IP-ENABLED VOICE SERVICE PROVIDERS.—An IP-enabled voice service provider that seeks capabilities from an entity with ownership or control over such capabilities to comply with its obligations under subsection (a) shall, for the exclusive purpose of complying with such obligations, have the same rights, including rights of interconnection, and on the same rates, terms, and conditions, as apply to a provider of commercial mobile service (as such term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))), subject to such regulations as the Commission prescribes under subsection (c).

''(c) REGULATIONS.—The Commission—

''(1) within 90 days after the date of enactment of the 911 Modernization and Public Safety Act of 2007, shall issue regulations implementing such Act, including regulations that—

''(A) ensure that IP-enabled voice service providers have the ability to exercise their rights under subsection (b);

''(B) take into account any technical, network security, or information privacy requirements that are specific to IP-enabled voice services; and

''(C) provide, with respect to any capabilities that are not required to be made available to a commercial mobile service provider but that the Commission determines under subparagraph (B) of this paragraph or paragraph (2) are necessary for an IP-enabled voice service provider to comply with its obligations under subsection (a), that such capabilities shall be available at the same rates, terms, and conditions as would apply if such capabilities were made available to a commercial mobile service provider; and

''(2) may modify such regulations from time to time, as necessitated by changes in the market or technology, to ensure the ability of an IP-enabled voice service provider to comply with its obligations under subsection (a) and to exercise its rights under subsection (b).

''(d) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.—The Commission may delegate authority to enforce the regulations issued under subsection (c) to State commissions or other State agencies or programs with jurisdiction over emergency communications. Nothing in this section is intended to alter the authority of State commissions or other State agencies with jurisdiction over emergency communications, provided that the exercise of such authority is not inconsistent with Federal law or Commission requirements.

''(e) IMPLEMENTATION.—

''(1) LIMITATION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technology standard.

''(2) ENFORCEMENT.—The Commission shall enforce this section as if this section was a part of the Communications Act of 1934. For purposes of this section, any violations of this section, or any regulations promulgated under this section, shall be considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.

''(f) STATE AUTHORITY OVER FEES.—

''(1) AUTHORITY.—Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the 911 Modernization and Public Safety Act of 2007, or any Commission regulation or order shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political subdivision thereof, or Indian tribe for the support or implementation of 911 or E-911 services, provided that the fee or charge is obligated or expended only in support of 911 and E-911 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services.

''(2) FEE ACCOUNTABILITY REPORT.—To ensure efficiency, transparency, and accountability in the collection and expenditure of fees for the support or implementation of 911 or E-911 services, the Commission shall submit a report within 1 year after the date of enactment of the 911 Modernization and Public Safety Act of 2007, and annually thereafter, to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives detailing the status in each State of the collection and distribution of 911 fees, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any fee or charges are presented.

''(g) AVAILABILITY OF PSAP INFORMATION.—The Commission may compile a list of public safety answering point contact information, contact information for providers of selective routers, testing procedures, classes and types of services supported by public safety answering points, and other information concerning 911 elements, for the purpose of assisting IP-enabled voice service providers in complying with this section, and may make any portion of such information available to telecommunications carriers, wireless carriers, IP-enabled voice service providers, other emergency service providers, or the vendors to or agents of any such carriers or providers, if such availability would improve public safety.

''(h) RULE OF CONSTRUCTION.—Nothing in the 911 Modernization and Public Safety Act of 2007 shall be construed as altering, delaying, or otherwise limiting the ability of the Commission to enforce the rules adopted in the Commission's First Report and Order in WC Docket Nos. 04–36 and 05–196, as in effect on the date of enactment of the 911 Modernization and Public Safety Act of 2007, except as such rules may be modified by the Commission from time to time.''; and

(3) in section 7 (as redesignated by paragraph (1) of this section) by adding at the end the following new paragraph:

''(8) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' has the meaning given the term 'interconnected VoIP service' by section 9.3 of the Federal Communications Commission's regulations (47 CFR 9.3).''.

SEC. 102. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) in subsection (b)(1), by inserting before the period at the end the following: ''and for migration to an IP-enabled emergency network'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection:

''(d) MIGRATION PLAN REQUIRED.—

''(1) NATIONAL PLAN REQUIRED.—No more than 270 days after the date of the enactment of the 911 Modernization and Public Safety Act of 2007, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen-activated emergency communications and improving information sharing among all emergency response entities.

''(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

''(A) outline the potential benefits of such a migration;

''(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

''(C) include a proposed timetable, an outline of costs, and potential savings;

''(D) provide specific legislative language, if necessary, for achieving the plan;

''(E) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network;

''(F) assess, collect, and analyze the experiences of the public safety answering points and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the 911 Modernization and Public Safety Act of 2007;

''(G) identify solutions for providing 911 and E–911 access to those with disabilities